



AP 1fw 16528

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Richard F Selden et al.  
Serial No. : 09/686,497  
Filed : October 11, 2000  
Title : OPTIMIZED MESSENGER RNA

Art Unit : 1652  
Examiner : N. Nashed

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

MOTION TO REMAND

Appellants respectfully request that the above-identified application be remanded to the examiner for consideration of references cited in an Information Disclosure Statement and Form 1449, filed today (a copy enclosed herewith). These references were cited in a communication received from a foreign patent office within the past three months.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 10/7/05

  
Laurie Butler Lawrence  
Reg. No. 46,593

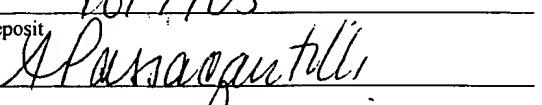
Fish & Richardson P.C.  
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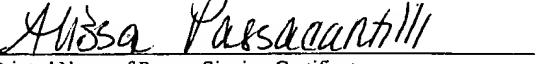
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## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Art Unit : 1652

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Title : OPTIMIZED MESSENGER RNA

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Applicants request consideration of the references listed on the attached PTO-1449 form.

Under 37 C.F.R. § 1.98 (a)(2)(ii), only copies of foreign patent documents and/or non-patent literature are enclosed. Copies of any listed U.S. patents or U.S. patent application publications can be provided upon request. A copy of a communication from a foreign patent office in a counterpart application is also enclosed.

This statement is being filed after a final Office action or a Notice of Allowance, but before payment of the issue fee. Each item of information in this statement (i) was cited in a communication from a foreign patent office in a counterpart foreign application, the communication being dated August 23, 2005, which is not more than three months prior to the filing of this statement, and (ii) was not first cited in any communication from a foreign patent office in a counterpart application which was more than three months prior to the filing date of this statement. A check for \$180 in payment of the late submission fee of §1.17(p) is enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

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*Alissa Passacantilli*

Alissa Passacantilli  
Typed or Printed Name of Person Signing Certificate

Applicant : Richard F Selden et al.  
Serial No. : 09/686,497  
Filed : October 11, 2000  
Page : 2 of 2

Attorney's Docket No.: 10278-022001 / 0020 (old 98-6  
CIP)

Respectfully submitted,

Date: 10/7/05

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Laurie Butler Lawrence  
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Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 10278-022001	Application No. 09/686,497
<b>Information Disclosure Statement by Applicant</b> (Use several sheets if necessary)  (37 CFR §1.98(b))		Applicant Richard F Selden et al.	OCT 11 2005 U.S. PATENT AND TRADEMARK OFFICE P-1652
		Filing Date October 11, 2000	

<b>U.S. Patent Documents</b>							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate

<b>Foreign Patent Documents or Published Foreign Patent Applications</b>							
Examiner Initial	Desig. ID	Document Number	Publication Date	Country or Patent Office	Class	Subclass	Translation Yes      No
	AA	96/09378	3/28/1996	PCT			
	AB	98/11206	3/19/1998	PCT			
	AC	98/11207	3/26/1998	PCT			

<b>Other Documents (include Author, Title, Date, and Place of Publication)</b>		
Examiner Initial	Desig. ID	Document
	AD	Schiffmann et al., "Infusion of alpha-galactosidase A reduces tissue globotriaosylceramide storage in patients with Fabry disease," Proceedings of the National Academy of Science of USA, Washington, vol. 97, no. 1, January 4, 2000, pages 365-370.
	AE	EPO search report received in Application No. 01984006.5, dated 23.08.2005.

Examiner Signature	Date Considered
EXAMINER: Initials citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	